

REMARKS

Presently, claims 1-11 and 15-23 are pending in the application. A Request for Continued Examination under 37 C.F.R. §1.114 is being filed herewith. Claims 12-14 have been canceled. Independent claim 1 has been amended to more clearly define and particularly point out the present invention. Support for the amendments to independent claim 1 may be found, for example, at page 11, line 15 – page 12, line 19; and page 16, line 32 – page 17, line 14 of the specification. Dependent claims 3-6 and 8 have been amended to correct formal errors noted by Applicants and to be consistent with amended claim 1. New independent claims 15 and 23 have been added to alternatively recite the present invention. Support for the features of new claims 15 and 23 may be found, for example, in original claims 1 and 12-14 and at page 11, line 15 – page 12, line 19; and page 16, line 32 – page 17, line 14 of the specification. New dependent claims 16-22 correspond to original claims 2 and 4-9, respectively. Accordingly, no new matter has been added to the application by the foregoing amendments.

Prior Art Rejections – § 103(a)

The Examiner has rejected claims 1, 2 and 4-11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,029,045 to Picco *et al.* (“Picco”) in view of U.S. Patent No. 6,119,098 to Guyot *et al.* (“Guyot”). The Examiner contends that Picco teaches all elements of the claimed invention, with the exception of a queue having a communication interface that receives a queue of targeted advertisements, where the processor is responsive to the queue and a trigger circuit for determining a low-level of the queue. The Examiner further contends that Guyot teaches such a queue as well as a trigger circuit, and concludes that it would have been obvious to combine the teachings of Guyot with those of Picco to result in Applicants’ claimed invention. In view of the foregoing amendments, Applicants respectfully traverse this rejection.

Picco teaches a method and system for providing targeted content (including advertisements) to specified groups of viewers. Picco teaches that the targeted content may be downloaded to a user (e.g., a set top box), stored, and subsequently inserted into

live program streams at the appointed time. The local content is inserted in a corresponding program stream according to command and control data. Picco teaches that preferences about the subscribers may be gathered and analyzed to customize the content that is downloaded to a subscriber. Picco further teaches several different methods for transmitting the desired content to the corresponding location, including trickle, nightly download and dual receiver techniques. The method of transmitting the local content may vary, depending on the available equipment and network, as well as the available bandwidth.

Guyot teaches a system and method of displaying targeted advertisements over a distributed network, such as the Internet. In Guyot, a queue of targeted advertisements is downloaded from a server to a client application on a user's computer. The advertisements that are in the queue are based on the user's personal profile. Once the advertisements have been downloaded, the client application continuously displays the advertisements on the user's computer (even if other applications are running on the user's computer) in accordance with the distribution requirements (or restrictions) of the queue. Guyot further teaches that the user's computer may monitor user interactions with the system to determine whether the schedule of ads in the queue should be altered. For example, if a user has not interacted with the system for some given period of time, the client application will enter a "screen saver" mode and therefore display different ads than if not in a screen saver mode. When the advertisement queue reaches a low level of available ads (i.e., because some ads have expired or been displayed the requisite number or amount of times), the client application accesses the server to obtain another queue of advertisements for display.

Independent claim 1, as amended, recites:

In a television network system, subscriber equipment for displaying targeted advertisements to a subscriber, the subscriber equipment comprising:

a communications interface for receiving at least one queue identifying a sequence of targeted advertisements, wherein the at least one queue is selectively distributed to the subscriber and the targeted advertisements have been previously matched to the subscriber;

memory for storing the at least one queue;

a processor, responsive to the at least one queue, configured to insert the targeted advertisements into program streams for display to the subscriber in accordance with the sequence, wherein the sequence is independent of the content of the corresponding program stream; and

a trigger circuit for determining if the at least one queue has reached a low-level, wherein said communications interface refreshes the at least one queue in response to a low-level determination by said trigger circuit.

As the Examiner acknowledges, Picco does not teach or suggest each and every element of independent claim 1. In particular, Picco does not teach or suggest a communications interface that receives “at least one queue identifying a sequence of targeted advertisements, wherein the at least one queue is selectively distributed to the subscriber....” Thus, Picco also does not teach or suggest that the “sequence is independent of the content of the corresponding program stream,” nor a trigger circuit that “refreshes the at least one queue in response to a low-level determination....” Accordingly, Picco does not teach or suggest the invention of independent claim 1.

Guyot also does not teach or suggest all the features of Applicants’ invention. In particular, Guyot does not teach or suggest a system having a communications interface that receives “at least one queue identifying a sequence of targeted advertisements....,” wherein the “sequence is independent of the content of the corresponding program stream.” Initially, Applicants point out that the targeted advertisements in Guyot are not inserted into any type of program stream. Rather, in Guyot, the advertisements are continuously displayed to a user via a dedicated client application. As such, in Guyot there is no program stream content for the sequence of advertisements to be independent of. Thus, although Guyot teaches a queue of targeted ads that specifies (to some degree) the order in which those ads are displayed to the user, Guyot does not teach or suggest that the sequencing of those advertisements is independent of the content of a program stream into which those ads are inserted. Accordingly, Guyot does not teach or suggest all of the features recited in independent claim 1.

Not only do Picco and Guyot not individually teach the present invention, but, even if these references are taken in combination as contended by the Examiner, such a combination fails to teach or suggest all of the features of claim 1. More specifically, neither of the applied references teaches or suggests a communications interface that receives “at least one queue identifying a sequence of targeted advertisements...,” wherein the “sequence is independent of the content of the corresponding program stream.” Since neither of the applied references teaches this feature, the combination of Picco and Guyot is also lacking at least this feature. That is, the queue taught by Guyot utilized with the inserted targeted content of Picco would result in a queue having a sequence of targeted advertisements designed for continuous display of those ads, and not a sequence of advertisements independent of program content into which they are inserted. Accordingly, independent claim 1 is believed to be allowable over the combination of Picco and Guyot.

New independent claim 15 recites the steps of “distributing at least one queue...identifying an ordered list of targeted advertisements...being previously matched to the subscriber;...inserting the targeted advertisements into one or more programming streams...in accordance with the ordered list...wherein the order of the advertisements in the ordered list is independent of the content of the program stream.” For the same reasons discussed above with respect to independent claim 1, Picco and Guyot do not teach or suggest all of the elements of independent claim 15. Accordingly, independent claim 15 is believed to be allowable over Picco and Guyot, both individually and in combination.

New independent claim 23 recites “distributing at least one queue...comprising an ordered list of targeted advertisements...being previously matched to the subscriber;...inserting the targeted advertisements into avails in one or more programming streams...in accordance with the ordered list...wherein the order of the advertisements in the ordered list is independent of the timing of the avails.” As discussed above with respect to independent claim 1, in Guyot, the advertisements are not inserted into any type of program stream, but are continuously displayed to a user via a dedicated client application. Thus, in Guyot there are no intervals or avails to insert advertisements into. Thus, although Guyot teaches a queue of targeted ads that specifies (to some degree) the

order in which those ads are displayed to the user, there is no teaching of a queue where the order of advertisements in the queue is independent of the timing of an avail. Therefore, Guyot does not teach or suggest all of the elements of independent claim 23. Accordingly, independent claim 24 is believed to be allowable over Picco and Guyot, both individually and in combination.

Dependent claims 2, 4-11 and 16-22 are allowable at least by their dependency on independent claims 1 and 15, respectively. Reconsideration and withdrawal of the Examiner's section 103(a) rejection of claims 1, 2 and 4-11 are respectfully requested.

The Examiner has rejected claims 3-4 as being unpatentable over Picco in view of Guyot, and further in view of U.S. Patent No. 6,434,747 to Khoo *et al.* ("Khoo"). As discussed above with respect to the Examiner's obviousness rejection over Picco in view of Guyot, independent claim 1 is believed to be allowable over the combination of Picco and Guyot. Applicants respectfully submit that Khoo does not teach or suggest any of the elements missing from such combination. Thus, independent claim 1 is believed to be allowable over the combination of Picco, Guyot and Khoo. Accordingly, claims 3-4 are allowable at least by their dependency on independent claim 1. Reconsideration and withdrawal of the Examiner's section 103(a) rejection of claims 3-4 over Picco, Guyot and Khoo are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-11 and 15-23 is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

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